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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13 v.
14 ANTONIO GOMEZ-BARRERA,
15 Defendant.

CASE NO. 1:20-CR-000131-DAD-BAM

UNOPPOSED MOTION AND ORDER TO SET
ARRAIGNMENT

DATE: October 29, 2020

TIME: 2:00 p.m.

COURT: Hon. Barbara A. McAuliffe

16 The United States of America, by and through its undersigned counsel, hereby files this
17 unopposed motion and proposed order to set arraignment on October 20, 2020 for defendant Antonio
18 Gomez-Barrera.

19 On August 13, 2020, the grand jury returned an indictment against the defendant for being a
20 Deported Alien Found in the United States, in violation of Title 8, United States Code, Sections 1326(a)
21 and (b)(2). Dkt. No. 1. At the time, the defendant was incarcerated in the Bob Wiley Detention Facility
22 in Tulare County, where he remains to this day. On October 15, 2020, the United States applied for and
23 obtained a writ of habeas corpus signed by United States Magistrate Judge Stanley A. Boone. Dkt. No.
24 3. It did so in order to retrieve the defendant from state custody so that he can appear in federal court to
25 be advised of the charges against him. However, because the defendant still has pending state charges,
26 the government was subsequently advised that the Tulare County Sheriff's Office preferred not to
27 release the defendant while he still has a pending state court date.

28 Therefore, in consultation with officers at the Bob Wiley Detention Facility and a representative

of the Federal Defender's Office, the government has confirmed that the defendant can appear via zoom from the state facility. Pursuant to the CARES Act, arraignment may currently be accomplished via videoconference appearance. The date of October 29, 2020, is agreeable to all parties per a representative of the Federal Defender's Office. Defense counsel has not yet been assigned, so the government is unable to obtain a stipulation at this time.

Therefore, the United States respectfully requests that the Court set this case for arraignment on October 29, 2020, at 2pm. The Federal Defender's Office has also requested that the court provide time for a breakout session so that the defendant may consult with his counsel and complete a financial affidavit.

Dated: October 27, 2020

McGREGOR W. SCOTT
United States Attorney

By: /s/ LAURA D. WITHERS
LAURA D. WITHERS
Assistant United States Attorney

ORDER

IT IS HEREBY ORDERED that this case be set for arraignment via zoom videoconference technology on **October 29, 2020 at 2:00pm before Magistrate Judge Barbara A. McAuliffe** by agreement of the parties. The Court DENIES the request to make the arrangements for a pre-court meeting with defendant and defense counsel who is anticipating appointment. The Court is not responsible for arranging the pre-court meeting with defense counsel. Any such pre-court meeting shall be the responsibility of the U.S. Attorney and/or defense counsel. The Court expects the parties to be ready to proceed with the arraignment at the 2:00 p.m. calendar. If the government cannot accommodate this calendar, the United States may withdraw its request.

IT IS SO ORDERED.

Dated: **October 27, 2020**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE